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1. Submission of Brief
2. Transmittal Form (1 page);
3. Fee Transmittal in duplicate for accounting purposes;
4. Petition for Extension of Time Under 37 CFR 1.136(a) (1 page);
5. Appeal Brief (33 pages with 5 appendix pages), in triplicate;

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Stock Unit Id GEORGE
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1. Submission of Brief on Appeal Cover Letter (1 page);
2. Transmittal Form (1 page);
3. Fee Transmittal in duplicate for accounting purposes;
4. Petition for Extension of Time Under 37 CFR 1.136(a) (1 page);
5. Appeal Brief (33 pages with 5 appendix pages), in triplicate;
6. Exhibits to Appeal Brief in triplicate (15 Exhibits bound);
7. Certificate of Mailing Under 37 CFR 1.8; and
8. Self-addressed itemized postcard to be returned upon receipt.

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File #VAC.331A.US



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FROM: (PLEASE PRINT) KINETIC CONCEPTS PO BOX 659508 SAN ANTONIO TX 78265-9508 EWC - VAC.331A.us	TO: (PLEASE PRINT) Mail Stop Appeal Brief - Patents Commissioner for Patents P.O. Box 1450 USPS Alexandria, VA 22313-1450

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 440.00

Complete if Known

Application Number	09/458,280
Filing Date	December 10, 1999
First Named Inventor	Vogel, Richard C.
Examiner Name	DeMille, Danton
Art Unit	3764
Attorney Docket No.	VAC.331A.US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

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Kinetic Concepts, Inc.

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	110
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	330
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 440.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Eric W. Cernyar	Registration No. (Attorney/Agent)	45,919	Telephone	210 863 0063
Signature	<i>Eric W. Cernyar</i>	Date	August 13, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Certificate of Mailing under 37 CFR 1.8¹⁰

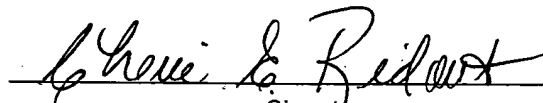
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Appeal Brief (33 pages with 5 appendix pages) in triplicate;

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/458,280
	Filing Date	12/10/1999
	First Named Inventor	Vogel, Richard
	Art Unit	3764
	Examiner Name	DeMille, Danton
Total Number of Pages in This Submission	Attorney Docket Number	VAC.331A.US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return postcard
Remarks <u>includes:</u> 3 Appeal Brief 3 15-exhibit Appendices to the Appeal Brief		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Eric W. Cernyar, Reg. No. 45,919	
Signature	<i>Eric W. Cernyar</i>	
Date	August 13, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. <u>Express Mail</u>			
Typed or printed name	Cherie E. Ridout		
Signature	<i>Cherie E. Ridout</i>	Date	17 August 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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2)

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FAX: 703-746-4889
FROM: Eric W. Cernyar DEPARTMENT: Legal
FAX: 210 255 6969 PHONE: (210) 863-0063
RE: Patent Application No.: 09/458,280
Our File No.: VAC-331A-US

Message:

Per our discussion, please see attached Notice of Appeal filed May 24, 2004

Also enclosed is a copy of our Deposit Account monthly statement showing the charge for filing the Notice of Appeal and Request for Extension of Time. Amounts are circled for your convenience.

If you require anything further, please do not hesitate to contact me.

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San Antonio, Texas 78265-9508
1-800-531-5369/Fax 210-255-4450

Company: 8023 Vantage Drive
San Antonio, Texas 78230-4726
(210) 524-9000

Manufacturing: 4958 Street Drive
San Antonio, Texas 78219-4334
(210) 662-0215